

Kevin H. Marino
John D. Tortorella
John A. Boyle
MARINO, TORTORELLA & BOYLE, P.C.
437 Southern Boulevard
Chatham, New Jersey 07928-1488
Tel: (973) 824-9300
Fax: (973) 824-8425
Counsel for Defendant
George Gilmore

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

vs.

GEORGE GILMORE,

Defendant.

Case No. 3:19-cr-00029-AET

**CERTIFICATION OF
KEVIN H. MARINO**

KEVIN H. MARINO, of full age, hereby certifies and states:

1. I am an attorney at law of the State of New Jersey and am a member of the law firm of Marino, Tortorella & Boyle, P.C., attorneys for Defendant, George Gilmore, in this matter. I am fully familiar with the facts of this case and make this Certification in response to the Government's Motion to Inquire into Potential Conflicts of Interest.

2. Attached hereto as Exhibit A is a true and correct copy of a letter dated February 4, 2019 from me to Matthew J. Skahill, AUSA and Jihee G. Suh, AUSA, together with the written conflicts waivers that were enclosed in that letter.

3. Attached hereto as Exhibit B is a true and correct copy of a letter dated February 4, 2019 from Jihee G. Suh, AUSA to me.

I hereby certify under penalty of perjury, pursuant to 28 U.S.C. § 1746(2), that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on February 5, 2019



KEVIN H. MARINO

EXHIBIT A

MARINO, TORTORELLA & BOYLE, P.C.

KEVIN H. MARINO
JOHN D. TORTORELLA
JOHN A. BOYLE

ROSEANN BASSLER DAL PRA*
EREZ J. DAVY*

PHILLIP S. PAVLICK

ATTORNEYS AT LAW
437 SOUTHERN BOULEVARD
CHATHAM, NEW JERSEY 07928-1488
TELEPHONE (973) 824-9300
FAX (973) 824-8425
www.khmarino.com

888 SEVENTH AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10019
TELEPHONE (212) 307-3700
FAX (212) 262-0050
e-mail: kmarino@khmarino.com
*OF COUNSEL

February 4, 2019

VIA EMAIL

Matthew J. Skahill
Attorney in Charge, Camden Branch
U.S. Attorney's Office
District of New Jersey
401 Market Street, 4th Floor
Camden, New Jersey 08101-2098

Jihee G. Suh
Assistant United States Attorney
U.S. Attorney's Office
District of New Jersey
970 Broad Street
Newark, New Jersey 07102

Re: *United States v. George Gilmore*
Crim. No. 19-029 (AET)

Dear Matt and Jihee:

Attached are conflict waivers executed in 2017 by George Gilmore and the other members and employees of Gilmore & Monahan P.A. (the "G&M Employees") with the exception of Christopher Khatami, who chose to engage separate counsel. While we are confident these waivers entitle us to continue representing both Mr. Gilmore and the G&M Employees at his upcoming trial, we will withdraw from representing the G&M Employees rather than delay trial with a hearing on your Motion to Inquire into Potential Conflicts of Interest. As you have not moved to disqualify my law firm from representing Mr. Gilmore—a motion you were to have filed by last Friday—we trust our withdrawal as counsel for the G&M Employees will moot the inquiry you have requested. Please confirm our understanding and withdraw your motion.

Thank you for your attention to this matter.

Very truly yours,



Kevin H. Marino

Enclosure

MARINO, TORTORELLA & BOYLE, P.C.

KEVIN H. MARINO
JOHN D. TORTORELLA
JOHN A. BOYLE

ROSEANN BASSLER DAL PRA*
EREZ J. DAVY*

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FAX (212) 262-0050

*OF COUNSEL

e-mail: kmarino@khmarino.com

November 27, 2017

VIA HAND DELIVERY

Thomas E. Monahan, Esq.
George Gilmore, Esq.
Gilmore & Monahan, P.A.
Allen Street Professional Center
Ten Allen Street
P.O. Box 1540
Toms River, NJ 08754

Re: *Investigation of George Gilmore, Esq.*

Dear Messrs. Monahan and Gilmore:

As you know, we represent George Gilmore, Esq. ("Gilmore") and Gilmore & Monahan P.A. ("G&M"), as well as all of G&M's partners and employees, in connection with an investigation being conducted by the United States Attorney for the District of New Jersey (the "USAO"). Recently, in connection with its investigation of Gilmore, the USAO served grand jury subpoenas (the "Subpoenas") on Thomas E. Monahan, Esq. ("Monahan"), as well as Jean L. Cipriani, Esq., Jared J. Monaco, Esq., Lauren R. Staiger, Esq., Robin La Bue, Esq., Andrea E. Wyatt, Esq., Denis P. Kelly, Esq., Christine E. McCullough, Esq., Michael S. Nagurka, Esq., Christopher A. Khatami, Patrick L. Cimino, Sean Waldron, and William Rehill (collectively, the "G&M Employees"). You have both asked Marino, Tortorella & Boyle, P.C. ("MTB" or the "Firm") to represent Monahan and each of the G&M Employees in connection with the Subpoenas and any related investigation. Each of the G&M Employees has also asked MTB to represent him or her in connection with the Subpoenas and any related investigation.

Before agreeing to undertake the representations of Monahan and the G&M Employees, MTB advised you both and each of the G&M Employees of the potential that a conflict of interest would inhere in a joint representation of Gilmore, G&M, Monahan and the G&M Employees, and thus the Firm would only agree to simultaneously represent Gilmore, G&M, Monahan and the G&M Employees if all of those parties consented to the joint representation and waived the potential conflict of interest in writing. Being well informed on this subject—and, moreover, being fully cognizant of the nature of their relationships as partners and/or employees of G&M—Gilmore, G&M, Monahan and the G&M Employees have advised me that each desires to waive the potential conflict inherent in MTB's joint representation so that the Firm can represent Monahan and the G&M Employees consistent with our representation of Gilmore and G&M.

MARINO, TORTORELLA & BOYLE, P.C.
ATTORNEYS AT LAW

Thomas E. Monahan, Esq.
George Gilmore, Esq.
November 27, 2017 – Page 2

Additionally, I have contacted Matthew J. Skahill, Esq., the Assistant U.S. Attorney overseeing this matter, and advised him that we intend to represent Monahan and the G&M Employees, provided that they, Gilmore and G&M waive the potential conflict in writing; in response, Mr. Skahill advised me that the Government believes there are conflicts of interest between and among Gilmore, Monahan, G&M and the G&M Employees.

If I have set forth the facts accurately—and, in particular, if it is the desire of Gilmore, G&M, Monahan and each of the G&M Employees to make a knowing and intelligent waiver of the conflict I have explained to each of them—kindly execute this letter in the spaces provided and return it to me. Likewise, each of the G&M Employees should execute this letter in the spaces provided below if I have accurately set forth the facts, including that each desires to make a knowing and intelligent waiver of the conflict I have explained to each of them. Of course, if either of you or any of the G&M Employees has questions, that individual or those individuals should call or speak to me before signing the letter. Thank you for your attention to this matter.

Very truly yours,



Kevin H. Marino

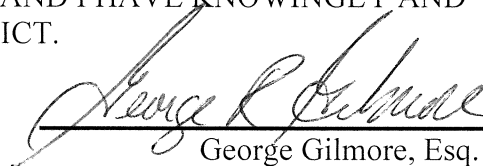
cc: Jean L. Cipriani, Esq.
Jared J. Monaco, Esq.
Lauren R. Staiger, Esq.
Robin La Bue, Esq.
Andrea E. Wyatt, Esq.
Denis P. Kelly, Esq.
Christine E. McCullough, Esq.
Michael S. Nagurka, Esq.
Christopher A. Khatami
Patrick L. Cimino
Sean Waldron
William Rehill

MARINO, TORTORELLA & BOYLE, P.C.
ATTORNEYS AT LAW

Thomas E. Monahan, Esq.
George Gilmore, Esq.
November 27, 2017 – Page 3

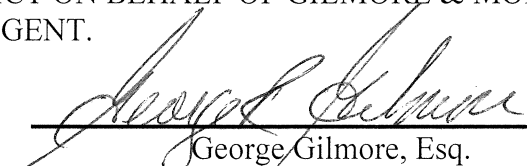
MARINO, TORTORELLA & BOYLE, P.C. HAS EXPLAINED TO ME THE POTENTIAL OR APPARENT CONFLICT OF INTEREST INHERENT IN THE FIRM'S SIMULTANEOUS REPRESENTATION OF GILMORE & MONAHAN P.A., THOMAS E. MONAHAN, ESQ., JEAN L. CIPRIANI, ESQ., JARED J. MONACO, ESQ., LAUREN R. STAIGER, ESQ., ROBIN LA BUE, ESQ., ANDREA E. WYATT, ESQ., DENIS P. KELLY, ESQ., CHRISTINE E. MCCULLOUGH, ESQ., MICHAEL S. NAGURKA, ESQ., CHRISTOPHER A. KHATAMI, PATRICK L. CIMINO, SEAN WALDRON, WILLIAM REHILL, AND ME, AND I HAVE READ AND UNDERSTAND THE ABOVE, AND I HAVE KNOWINGLY AND INTELLIGENTLY WAIVED THAT CONFLICT.

Dated:


George Gilmore, Esq.

MARINO, TORTORELLA & BOYLE, P.C. HAS EXPLAINED TO ME THE POTENTIAL OR APPARENT CONFLICT OF INTEREST INHERENT IN THE FIRM'S SIMULTANEOUS REPRESENTATION OF GILMORE & MONAHAN P.A., THOMAS E. MONAHAN, ESQ., JEAN L. CIPRIANI, ESQ., JARED J. MONACO, ESQ., LAUREN R. STAIGER, ESQ., ROBIN LA BUE, ESQ., ANDREA E. WYATT, ESQ., DENIS P. KELLY, ESQ., CHRISTINE E. MCCULLOUGH, ESQ., MICHAEL S. NAGURKA, ESQ., CHRISTOPHER A. KHATAMI, PATRICK L. CIMINO, SEAN WALDRON, WILLIAM REHILL, AND ME, AND I HAVE READ AND UNDERSTAND THE ABOVE, AND I HAVE KNOWINGLY AND INTELLIGENTLY WAIVED THAT CONFLICT ON BEHALF OF GILMORE & MONAHAN P.A., FOR WHOM I AM AN AUTHORIZE AGENT.

Dated:


George Gilmore, Esq.
As Agent for Gilmore & Monahan, P.A.

MARINO, TORTORELLA & BOYLE, P.C. HAS EXPLAINED TO ME THE POTENTIAL OR APPARENT CONFLICT OF INTEREST INHERENT IN THE FIRM'S SIMULTANEOUS REPRESENTATION OF GILMORE & MONAHAN P.A., GEORGE GILMORE, ESQ., JEAN L. CIPRIANI, ESQ., JARED J. MONACO, ESQ., LAUREN R. STAIGER, ESQ., ROBIN LA BUE, ESQ., ANDREA E. WYATT, ESQ., DENIS P. KELLY, ESQ., CHRISTINE E. MCCULLOUGH, ESQ., MICHAEL S. NAGURKA, ESQ., CHRISTOPHER A. KHATAMI, PATRICK L. CIMINO, SEAN WALDRON, WILLIAM REHILL, AND ME, AND I HAVE READ AND UNDERSTAND THE ABOVE, AND I HAVE KNOWINGLY AND INTELLIGENTLY WAIVED THAT CONFLICT.

Dated:


Thomas E. Monahan, Esq.

MARINO, TORTORELLA & BOYLE, P.C.
ATTORNEYS AT LAW

Thomas E. Monahan, Esq.
George Gilmore, Esq.
November 27, 2017 – Page 4

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Dated:


Jean L. Cipriani, Esq.

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Dated:


Jared J. Monaco, Esq.

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Dated:


Lauren R. Staiger, Esq.

MARINO, TORTORELLA & BOYLE, P.C.
ATTORNEYS AT LAW

Thomas E. Monahan, Esq.
George Gilmore, Esq.
November 27, 2017 – Page 5

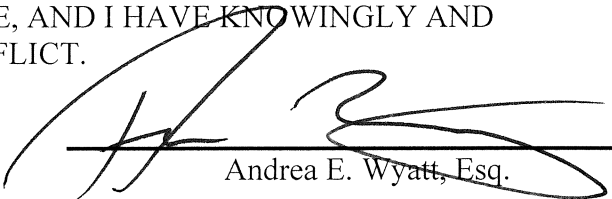
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Dated:


Robin La Bue, Esq.

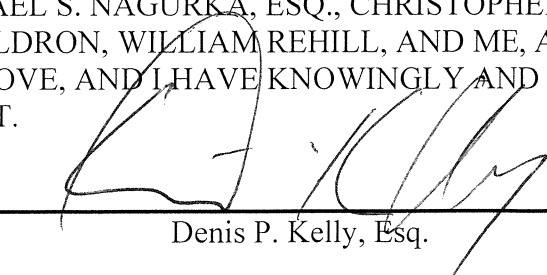
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Dated:


Andrea E. Wyatt, Esq.

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Dated:



Denis P. Kelly, Esq.

MARINO, TORTORELLA & BOYLE, P.C.
ATTORNEYS AT LAW

Thomas E. Monahan, Esq.
George Gilmore, Esq.
November 27, 2017 – Page 6

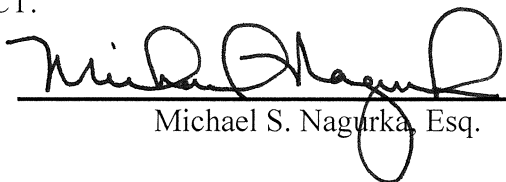
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Dated:


Christine E. McCullough, Esq.


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Dated: 11/27/17


Michael S. Nagurka, Esq.

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Dated:



Christopher A. Khatami

MARINO, TORTORELLA & BOYLE, P.C.
ATTORNEYS AT LAW

Thomas E. Monahan, Esq.
George Gilmore, Esq.
November 27, 2017 – Page 7

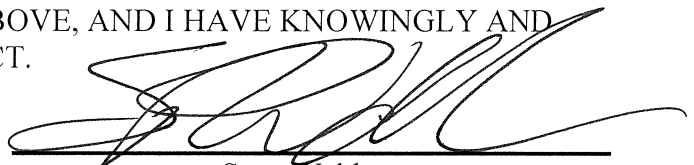
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Dated:


Patrick L. Cimino

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Dated: 11/27/17


Sean Waldron

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Dated: 11/27/17

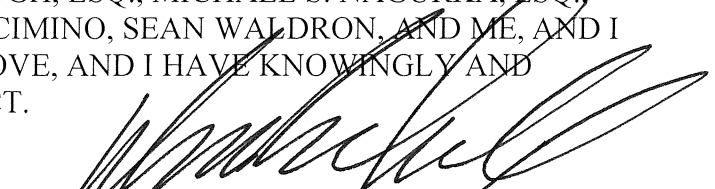

William Rehill

EXHIBIT B



U.S. Department of Justice
United States Attorney
District of New Jersey

CAMDEN FEDERAL BUILDING & U.S. COURTHOUSE 856/757-5026
401 Market Street, 4th Floor Fax: 856/968-4917
Post Office Box 2098 Direct Dial: 856/968-4929
Camden NJ 08101-2098

February 4, 2019

Via Email

Kevin H. Marino, Esq.
Marino, Tortorella & Boyle, P.C.
437 Southern Boulevard
Chatham, New Jersey 07928-1488

Re: United States v. George Gilmore, Cr. 19-029 (AET)

Dear Mr. Marino:

We are writing in response to your letter dated February 4, 2019 and confirming receipt of the conflict waivers that you attached to your letter. The Government is not withdrawing its motion to inquire concerning your potential conflicts of interest. For the reasons set forth in the Government's memorandum, the Court should conduct an inquiry on the record to determine whether securing waivers from the defendant and the witnesses from Gilmore & Monahan, P.A. would suffice in protecting the defendant's Sixth Amendment right to conflict-free representation and the Court's interests in insuring its judgments against later collateral attack, preserving the integrity of its proceedings, and protecting the truth-seeking function of the proceedings.

If any of the employees of Gilmore & Monahan, P.A. have retained new counsel, please provide us with the names of any such counsel. Thank you.

Very truly yours,

RACHAEL A. HONIG
Attorney for the United States
Acting Under Authority Conferred by 28 U.S.C. § 515

By: /s/ Matthew J. Skahill
/s/ Jihee G. Suh
MATTHEW J. SKAHILL
JIHEE G. SUH
Assistant United States Attorneys

/s/ Thomas F. Koelbl
THOMAS F. KOELBL
Trial Attorney
U.S. Department of Justice – Tax Division